

## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: The Development Review Committee and Townsley Schwab, Sr. Director of Planning & Environmental Resources

From: Bill Harbert, Planner *BH*  
Janis Vaseris, Biologist *JV*

Date: June 12, 2009

Subject: *Request for a Minor Conditional Use Permit for the Marathon Airport located at approximate mile marker 50 of the Overseas Highway (US 1), Vaccas Key, Real Estate No. 00104500.000000*

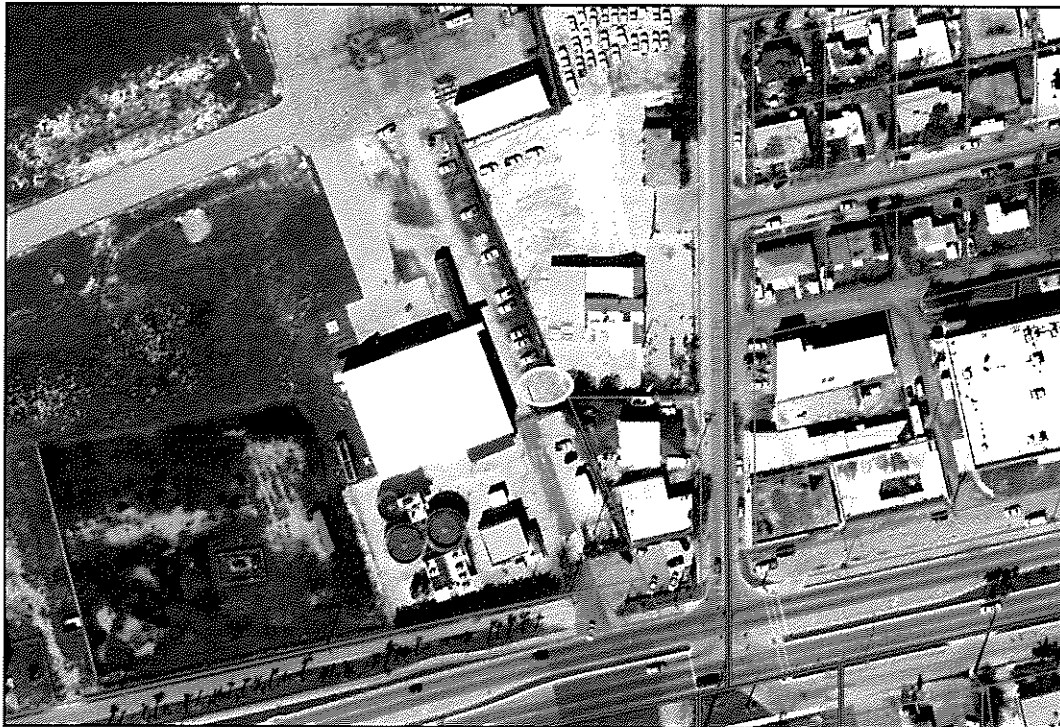
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**Meeting: June 23, 2009**

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I REQUEST:

The applicant is requesting approval of a minor conditional use permit in order to construct a communication site for the Federal Aviation Administration that consists of a 160 square foot mechanical compound and a 57 foot monopole tower structure on a leased 400 square foot portion of the property.



Location of Proposed Development and Surrounding Vicinity (2006)

1  
2 Location:

3 Address: Overseas Highway (US 1), Marathon, mile marker 50 (gulf side)

4 Legal Description: Part Lot 2, Section 6, Township 66, Range 33, Key Vaccas

5 Real Estate (RE) Number: 00104500.000000

6  
7  
8 Applicant:

9 Owner: Monroe County Flight Strip (Monroe County)

10 Agent: Stacey Mathis, Grain Communications Group Inc.

11  
12  
13  
14  
15 II RELEVANT PRIOR COUNTY ACTIONS:

16 Building Permit Application 082-1573 was applied for on April 25, 2008 for the construction  
17 of a communication site that consists of a 160ft<sup>2</sup> mechanical building and a 57 ft tall  
18 monopole for the attachment of FAA antennas. The applicant was informed that a minor  
19 conditional use permit would be required for the proposed development. The applicant then  
20 requested that a temporary building permit be issued for the placement of a similar size tower  
21 on wheels to allow for the FAA communications upgrades and testing to take place. As a  
22 result, Building Permit 082-1849 was issued on June 26, 2008 for the placement of a  
23 temporary FAA communication tower. The permit was good for a period of 180 days and has  
24 since expired.

25  
26  
27 III BACKGROUND INFORMATION:

28 A. Size of Site (Leased Area Only): 400 ft<sup>2</sup>

29 Total Size of Airport: RE 00104500.000000 (67.5 acres) & RE 00101160.000000  
30 (152.25 acres) = 219.75 acres total

31 B. Land Use District: Airport District (AD)

32 C. Future Land Use Map (FLUM) Designation: Airport (AD)

33 D. Tier Designation: Tier 3

34 E. Flood Zone: AE – EL 6

35 F. Existing Use: Airport

36 G. Existing Vegetation / Habitat: Scarified with random airport hangers

37 H. Community Character of Immediate Vicinity: Mixed Use - airport, public, residential,  
38 commercial and industrial uses

39  
40  
41 IV REVIEW OF APPLICATION:

42 MCC §110-67 provides the standards which are applicable to all conditional uses. When  
43 considering applications for a conditional use permit, the Development Review Committee  
44 and the Director of Planning and Environmental Resources shall consider the extent to  
45 which:

46  
47  
48 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*  
49 *comprehensive plan and the land development regulations:*

1  
2 The proposed development is consistent with the purposes, goals, objectives and  
3 standards of the MC future land use category and the AD District.  
4

5 Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to  
6 the proposed use include:  
7

8 Policy 101.4.16: The principal purpose of the Airport District land use category is  
9 to prohibit the development of residential, educational or other uses which are  
10 characterized by the regular presence of large numbers of people within the  
11 hazard areas of civil and military airports.  
12

13 Policy 101.4.24: In order to preserve the existing community character and  
14 natural environment, Monroe County shall limit the height of structures including  
15 landfills to 35 feet. Exceptions will be allowed for appurtenances to buildings,  
16 transmission towers and other similar structures.  
17

18 Policy 501.1.1: Monroe County shall establish aviation related land uses adjacent  
19 to the public airports and additionally prohibit intrusion into all airport zones.  
20 Within twelve months after the effective date of the Comprehensive Plan, Monroe  
21 County shall amend the Land Development Regulations to accomplish such.  
22

23 Policy 501.1.4: Monroe County shall continue to include existing airports and  
24 airstrips in airport land use districts that only permit airport related land uses.  
25

26 Policy 501.1.5: Monroe County shall encourage the development of aviation  
27 facilities and activities that relieve the traffic on U.S. 1 or serve as an alternative  
28 to U.S. 1 as a means of delivering goods and services to the community.  
29

30 Policy 501.1.6: Monroe County shall provide space at public airports for a wide  
31 variety of aviation activities in order to provide a wide variety of services to the  
32 community.  
33

34 Policy 501.3.4: Facilities at public airports shall be built to meet or exceed  
35 federal, state, and local safety regulations as applicable.  
36

37 B. *The conditional use is consistent with the community character of the immediate vicinity:*  
38

39 A communication tower intended for sole purpose of providing both air and ground  
40 surveillance to pilots and air traffic controllers would be compatible with development on  
41 neighboring properties, an area which is composed of a mixture of commercial retail and  
42 airport related uses. Therefore, the proposed development would be consistent with the  
43 community character of the immediate vicinity. As a note, according to the boundary  
44 survey submitted with this application a 58ft tall revolving light beacon is currently  
45 located within 60ft of the proposed development.  
46

1 C. *The design of the proposed development minimizes adverse effects, including visual*  
2 *impacts, on adjacent properties:*  
3

4 The proposed location of this communication tower is toward the corner of the airport  
5 site where a light beacon and other large airport related buildings are located. The  
6 proposed development would be compatible with the surrounding community character.  
7 Therefore, the proposed development minimizes adverse effects, including visual  
8 impacts, on adjacent properties.  
9

10 D. *The proposed use will have an adverse impact on the value of surrounding properties:*  
11

12 It is not anticipated that the proposed development will have an adverse impact on the  
13 value of the surrounding properties.  
14

15 E. *The adequacy of public facilities and services:*  
16

17 1. Roads:  
18

19 *Localized Impacts & Access Management:* Access to the proposed communication  
20 tower would be from an existing gated entrance on US 1 (See section I-22, Access  
21 Standards).  
22

23 *Level of Service (LOS):* The applicant has informed staff that he will submit a letter  
24 stating that the proposed tower and mechanical building will not generate any  
25 additional trips to the property besides a scheduled maintenance person. Upon receipt,  
26 this letter will require review by the county's traffic consultant (See section I-22,  
27 Access Standards).  
28

29 2. Stormwater: The applicant shall coordinate with the Public Works Division, and, if  
30 necessary, the South Florida Water Management District (SFWMD) to determine  
31 compliance with all applicable regulations (See section I-9, Surface Water  
32 Management Criteria).  
33

34 3. Sewer: The applicant shall coordinate with the Florida Department of Health and/or  
35 Florida Department of Environmental Protection to determine compliance with all  
36 applicable regulations (See section I-10, Wastewater Treatment Criteria).  
37

38 4. Emergency Management: The applicant has provided a letter of coordination from  
39 the City of Marathon Fire Rescue. The City of Marathon Fire Rescue shall determine  
40 compliance with the Florida Fire Prevention Code, the Florida Building Code, the  
41 National Fire Protection Code (NFPA 1) and the Life Safety Code (NFPA 101).  
42

43 F. *The applicant has the financial and technical capacity to complete the development as*  
44 *proposed:*  
45

1 Staff has no evidence to support or disprove the applicant's financial and technical  
2 capacity.

3  
4 G. *The development will adversely affect a known archaeological, historical or cultural*  
5 *resource:*

6  
7 The applicant submitted a letter from the State of Florida, Division of Historical  
8 Resources, indicating the proposed development will likely have no effect on historic  
9 properties.

10  
11 H. *Public access to public beaches and other waterfront areas is preserved as part of the*  
12 *proposed development:*

13  
14 The subject property is land-locked. Therefore, the proposed development will not have  
15 an adverse impact on public access to a waterfront area.

16  
17 I. *The project complies with all additional standards imposed on it by the Land*  
18 *Development Regulations:*

19  
20 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *Not applicable.*

21  
22 There are no existing or proposed residential dwelling units.

23  
24 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In*  
25 *compliance.*

26  
27 Staff has found that the proposed development does not contain any floor area and  
28 therefore shall not be affected by the NROGO permit allocation system.

29  
30 3. Purpose of the AD District (§130-33): *In compliance.*

31  
32 The purpose is to prohibit the development of residential, educational, or other uses  
33 that are characterized by the regular presence of large numbers of people within the  
34 hazard areas of civil and military airports.

35  
36 4. Permitted Uses (§130-75): *In compliance following the receipt of required minor*  
37 *conditional use permit.*

38  
39 Within the property boundaries of public airports, airport uses of less than 5,000 ft<sup>2</sup>  
40 of enclosed area shall require minor conditional review.

41  
42 5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-  
43 164): *Not applicable.*

44  
45 The proposed development does not contain any "floor area" as defined in the Land  
46 Development Code. The mechanical building only contains enough room to house

1 electronic equipment and maintenance shall be performed by access doors. Therefore,  
2 density and floor area ratio shall not apply.  
3

- 4 6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In*  
5 *compliance.*  
6

7 No open space calculations were provided in the application for the entire airport  
8 property. Based on the minimal size of the mechanical building and tower structure  
9 and the large amount of existing open space, staff has found that the open space  
10 requirements for the site as a whole would remain in compliance.  
11

- 12 7. Minimum Yards (§118-12 & §130-186): *In Compliance.*  
13

14 The required non-shoreline setbacks are as follows: Front yard – 200 feet; Rear yard –  
15 200 feet; and Side yard 200 feet.  
16

17 Staff has found that the location of the proposed tower and mechanical structure is  
18 located in an area where the setbacks have been previously waived.  
19

- 20 8. Maximum Height (§146-3): *In Compliance.*  
21

22 Any existing or proposed antenna-supporting structure with an overall height of 70  
23 feet or less above ground level shall be exempt from the provisions of MCC §146-3.  
24

- 25 9. Surface Water Management Criteria (§114-3): *Compliance to be determined by the*  
26 *Public Works Division and/or SFWMD prior to issuance of a building permit.*  
27

28 The applicant has submitted a letter requesting coordination from the Monroe County  
29 Engineering Division relating to surface water management.  
30

- 31 10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Florida*  
32 *Department of Health and/or Florida Department of Environmental Protection prior*  
33 *to the issuance of a building permit.*  
34

35 The applicant has submitted a letter of coordination from the Florida Department of  
36 Health and has requested a letter of coordination from the Florida Department of  
37 Environmental Protection relating to wastewater treatment.  
38

- 39 11. **Fencing (§114-20): *Compliance to be determined upon submittal to the Building***  
40 ***Department.***  
41

42 The applicant is proposing to fence the leased portion (20ft x 20ft) with fencing to  
43 match the surrounding fencing. According to the Boundary Survey by Geoline  
44 Surveying, Inc. dated February 8, 2008, the surrounding fencing is 6ft in height with  
45 barbed wire. However, the Director of Planning may only authorize the placement of

barbed wire in the AD District. Fencing shall require an independent building permit and be reviewed at that time.

12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined by the Monroe County Building Department prior to issuance of a building permit.*

13. Energy Conservation Standards (§114-45): *Compliance to be determined by the Monroe County Building Department prior to issuance of a building permit.*

The proposed development is comprised of a 57 ft high tower and a mechanical box with a generator. It will require no parking, have no windows and the lighting located on the top of the tower shall be required to meet FAA standards. The energy efficiency of the equipment shall be determined by the Monroe County Building Department prior to the issuance of a building permit.

14. Potable Water Conservation Standards (§114-46): *Compliance to be determined by the Monroe County Building Department prior to issuance of a building permit.*

15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8): *In Compliance.*

The proposed development requires no new clearing of vegetation.

16. Required Parking (§9.5-114-67): *In compliance.*

The proposed tower and mechanical building shall provide services to the existing airport. A letter from the applicant was provided as part of this application that indicates that only monthly scheduled maintenance shall be performed. Therefore, based on minimal traffic generation and a specific area provided to perform services, no additional parking is required for this development.

17. Required Loading and Unloading Spaces (§114-69): *In compliance.*

The proposed development is a tower and mechanical building. This development requires no materials to be delivered and will generate minimal vehicular trips to the site. Therefore, no loading zone is required for this wastewater treatment facility.

18. Required Landscaping (§114-99 – §114-105): *Not applicable.*

19. Required Buffer-yards (§114-124 – §114-130): *In Compliance.*

The leased portion of the site is bordered on three (3) sides by Monroe County Airport District boundaries and according to City of Marathon Planner, Ellen Fairleigh, the properties to the West are located in an Industrial District. There is nothing in the Land Development Code requiring a buffer-yard between an incorporated area and an unincorporated area. However, Staff shall require as a

condition that a Class-B buffer-yard be installed as if required between the county AD and I Districts.

20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined by the Monroe County Building Department prior to issuance of a building permit.*

21. Signs (§142-1 – §142-7): *Not applicable.*

22. **Access Standards (§114-195 – §114-201): *Compliance to be determined.***

There are multiple access drives to the airport site, however, there is a gated service entrance accessed by a curb cut from US 1 that will provide access to the proposed development.

A letter provided by the applicant indicates that the development would generate no new trips other than service personnel. The county's traffic consultant, Raj Shanmugam of URS Corporation, is reviewing the information submitted as part of this application.

23. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to Building Department.*

#### V RECOMMENDED ACTION:

Staff recommends **APPROVAL** to the Director of Planning & Environmental Resources if all the following conditions are met:

- A. Prior to the issuance of a development order, the county's traffic consultant must approve the findings of the letter concerning traffic that was submitted by the applicant.
- B. Prior to the issuance of a development order, the applicant shall submit a new lease agreement or other document concerning the overall height of a tower and attachments.
- C. Prior to the issuance of a building permit, the proposed development shall be found in compliance by the Monroe County Building Department, the Monroe County Floodplain Administrator and the Monroe County Office of the Fire Marshal.
- D. The proposed tower and mechanical building shall provide serves to the airport only and may not have collocations installed for any non-airport related use.
- E. In the event the lease is not renewed the applicant shall remove all development from the property.



1 F. As part of Building Permit Application 082-1573, a Class-B buffer-yard shall be  
2 installed along the applicants leased portion of land that borders the Monroe County  
3 Airport District and the City of Marathon Industrial District.  
4

5 VI PLANS REVIEWED:  
6

- 7 A. Site Plan (A-1) by Morrison Hershfield Corp., dated January 18, 2008;  
8 B. Structural Details (A-2 thru A-5) by Morrison Hershfield Corp., dated January 18, 2008;  
9 C. Grading & Drainage Plan (C1-C2) by Morrison Hershfield Corp., dated March 19, 2008;  
10 D. Fence Details (C3) by Morrison Hershfield Corp., dated March 19, 2008;  
11 E. Boundary Survey by Geoline Surveying Inc., dated February 8, 2008